

CITY COUNCIL MINUTES
May 9, 2011

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, May 9, 2011 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with Vice-President Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: McGinn, Bredhold, Friend, John, Walker, and Adams.

Absent: Mosby, Robinson, Watts

There being six (6) members present and three (3) members absent and six (6) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance was led by Councilman Adams.

Fellow Councilmen and those in the audience, welcome to the May 9, 2011 meeting of the Common Council.

RECOGNITION OF SCHOOLS

TEEN ADVISORY COUNCIL

COUNCIL ATTORNEY

John Hamilton is City Council Attorney this evening.

SERGEANT AT ARMS

This evening there is no Sergeant at Arms.

READING AND AMENDMENT OF MINUTES

Is there a motion to approve the minutes of the April 25, 2011 meeting of the Common Council as written?

Councilman Friend moved and Councilman John seconded the motion to approve the minutes of the regular meeting of the Common Council held April 25, 2011. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR MAY 6TH PACKET:

*City Council Agenda for May 9, 2011 meeting.

*Committee Meeting Schedule.

*City Council Meeting Minutes from the April 25, 2011.

*Ordinance R-2011-3.

*Ordinances G-2011-9, F-2011-2 and F-2011-3.

*Report from Legal Aid Society.

- *Evansville Redevelopment Commission Minutes from April 5, 2011 Meeting.
- *Review of the Arts Overlay Zone Design Guidelines.
- *News Releases: Historic Preservation Month Overview of Activities for May, 2011.
 Courthouse Preservation Featured at Annual Preservation Banquet.
 Kunkel Group, Inc. Announces New Tenant at Park41.

ON YOUR DESK THIS EVENING:

- *A copy of Resolution C-2009-29.
- *A memo from Lynn Buhr regarding Board Appointments.

Councilman Friend moved and Councilwoman Bredhold seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2011-9 PUBLIC WORKS MOSBY

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as an alley adjacent to 1275 and 1301 E. Morgan

ORDINANCE F-2011-2 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

ORDINANCE F-2011-3 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing re-appropriations, additional appropriations, repeals and transfers of funds within a city department.

ORDINANCE R-2011-3 TO APC R-1 TO R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3624 Pollack Avenue, Evansville, IN 47714

Petitioner: Paul K. Neville II
 Owners: Melba Elvira Neville
 Representative: Paul K. Neville II
 District: Missy Mosby, Ward 2

Councilman McGinn moved and Councilwoman Bredhold seconded the motion to adopt the Consent Agenda as written. Voice vote. So ordered.

CONSENT AGENDA

SECOND READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2011-7 **A.S.D.** **ROBINSON**

An Ordinance amending the zoning code by adding additional use groups listing permitted uses in the Air District and establishing signage requirements for these uses

ORDINANCE G-2011-8 **A.S.D.** **ROBINSON**

An Ordinance amending the zoning code by establishing an arts overlay zone in the Haynies' Corner area allowing certain businesses to be operated from homes in the area as accessory uses to residential use including live/work units

RESOLUTION C-2011-12 **FINANCE** **FRIEND**

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for property Tax Phase-In for the Acquisition and Installation of New Information Technology and Business Equipment (SS&C Technologies, Inc.)

RESOLUTION C-2011-14 **FINANCE** **FRIEND**

A Preliminary Resolution of the Common Council of the City of Evansville declaring an Economic Revitalization Area for Property Tax Phase-In for Redevelopment/ Rehabilitation of Real Property and New Information Technology Equipment (Windstream Corporation)

COMMITTEE REPORTS:

A.S.D. COMMITTEE **CHAIRWOMAN ROBINSON**

Councilman Adams: Mr. President, your A.S.D. Committee met this evening to hear Ordinances G-2011-7 and G-2011-8 and both come forward with do-pass recommendations.

FINANCE COMMITTEE

CHAIRMAN FRIEND

Councilman Friend: Mr. President, your Finance Committee met this evening to hear Resolutions C-2011-12 and C-2011-14 and both come forward with do-pass recommendations.

Councilman Friend moved and Councilman McGinn seconded the motion to adopt the committee reports and move these ordinances and resolutions to Third Reading. Voice vote. So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2011-7 **A.S.D.** **ROBINSON**

An Ordinance amending the zoning code by adding additional use groups listing permitted uses in the Air District and establishing signage requirements for these uses

Paul Wallace: Good evening, I'm Paul Wallace and I'm here for the airport and I understand Mr. Oliver capably answered hopefully your questions during the committee meeting. I'll just ask if you have any questions.

Councilman McGinn moved and Councilwoman Bredhold seconded the motion to adopt Ordinance G-2011-7 and call the roll.

Roll Call: M^cGinn, Bredhold, Friend, John, Walker, Adams.

Absent: Mosby, Robinson, Watts

There being six (6) ayes and zero (0) nays, Ordinance G-2011-7 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2011-8

A.S.D.

ROBINSON

An Ordinance amending the zoning code by establishing an arts overlay zone in the Haynies' Corner area allowing certain businesses to be operated from homes in the area as accessory uses to residential use including live/work units.

Councilwoman Bredhold moved and Councilman John seconded the motion to adopt Ordinance G-2011-8 and call the roll.

Roll Call: M^cGinn, Bredhold, Friend, John, Walker, and Adams.

Absent: Mosby, Robinson, Watts

There being six (6) ayes and zero (0) nays, Ordinance G-2011-8 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2011-12

FINANCE

FRIEND

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for property Tax Phase-In for the Acquisition and Installation of New Information Technology and Business Equipment (SS&C Technologies, Inc.)

Councilman Walker moved and Councilman M^cGinn seconded the motion to adopt Resolution C-2011-12 and call the roll.

Roll Call: M^cGinn, Bredhold, Friend, John, Walker, and Adams.

Absent: Mosby, Robinson, Watts

There being six (6) ayes and zero (0) nays, Resolution C-2011-12 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2011-14

FINANCE

FRIEND

A Preliminary Resolution of the Common Council of the City of Evansville declaring an Economic Revitalization Area for Property Tax Phase-In for Redevelopment/ Rehabilitation of Real Property and New Information Technology Equipment (Windstream Corporation)

Councilman Adams: I would just like to thank you for the work that you have been doing of late. I'm very impressed how you have done it. You have produced a lot of new jobs and new efforts, etc. Thank you so much.

Councilman Friend moved and Councilman McGinn seconded the motion to adopt Resolution C-2011-14 and call the roll.

Roll Call: McGinn, Bredhold, Friend, John, Walker, and Adams.

Absent: Mosby, Robinson, Watts

There being six (6) ayes and zero (0) nays, Resolution C-2011-14 is hereby declared adopted.

MISCELLANEOUS BUSINESS

Miscellaneous Business: There will not be a City Council Meeting next Monday May 16, 2011. The next City Council will be on Monday May 23, 2011 at 5:30 pm. Committee meetings will begin at 5:00 pm.

Council McGinn has asked to be placed on the Zoo Transition Committee. Voice Vote.
So Ordered.

Councilman Adams: Councilman McGinn, you wanted to talk about the zoo.

Councilman McGinn: Yes, the Mayor has appointed, requested two appointments from this council for what is called the Zoo Transition Committee. I believe that is the formal name of it. There is a study going on with various business men and women in the community and paid consultants and also all of the Zoo staff and certain members of the Board of Directors. Certain members of the Board of Directors of the Evansville Zoology Society are seriously looking into a type of public/private partnership with the Zoo. That type of an arrangement running the Zoo. This Transition Board has had a couple of organizational meetings. The last memo that I saw said that this council has two appointments. I would like to volunteer my services. I have a little bit of information and background on the zoo. I would like to be a part of that team if at all possible. It is a non-paying job and it's business men and women. I don't think that there will be any conflict. If there is, I will bail out.

Councilman Adams: I would first like to say that I think Amos Morris would love to have you on it. If you want me to join you I would be glad to. But, that's up to you guys.

Councilwoman Bredhold moves and Councilman Friend seconds the motion to place **Councilman McGinn** on the Zoo Transition Committee of the Zoo. Voice Vote. So ordered.

Councilman John: I would like to have it put on the record that the reason for the absence of Councilman Watts and Councilwoman Mosby is they are both ill. They both are bedridden. I just wanted you to know the reason for their absence.

Councilman Adams: They both are seriously ill.

Councilman John: It's not life threatening, but they are both quite sick.

John Kish: Mr. Friend told me last week that he would be sending me some questions and I got them last night. I'm happy to respond to them here. When I saw the questions last night I really wasn't surprised by the questions. I had actually seen two of them earlier from another Council Member. I was a little surprised by some of the references to the newspaper. I think that it's important to look at the....what was actually in the newspaper before you think there were

discrepancies. But, let me talk first about the two questions that I did receive earliest. First about populous, that's the professional team of architects and engineers responsible for the arena. Since I've been doing public projects back in the late 80's, ten percent has been a benchmark for putting their fee in the context of the cost of the project. When I speak to the press about that, I am speaking to put their fee in context. I am not trying to explain the actual contract drafting and I think that's important because trying to draft a contract that pays the architect a percent of what a project actually costs I think is very dangerous and not a wise action. The architect is paid to do a job. They design a building. If between the time they design the building and it goes out to bid the price of steel goes up, the price of concrete goes up. China needs it. Hurricane Katrina needs PVC pipe. That doesn't mean that the architect worked any harder or should be paid any more. If the bid environment is good, if the contractors are hungry and the bids come in a little below the estimate, that doesn't mean that the architect's fee is worth any less. No, I've never recommended a contract with an architect where the actual fee is actually based on the actual bid prices. In fact in one instance Indiana Code 5-22-17-1 would make cost plus contracting actually illegal. What I said to the press was putting in context the fee is about 10% of the project cost and indeed I think that benchmark still works here. They are paid a fee to design the building. In the industry designing a building has a very precise meaning because in Federal Government there is a cap on fees for design. The industry has debated and litigated long and hard about what's design and what's not design. There are other things that architects do. So, when I say that their design work is about ten percent of the items being designed, I mean that. I don't mean that as a contract provision, I mean that as a contextual description of their fee. They are doing other things. They are doing commissioning, they are doing lead accreditation, they are doing surveys, they are printing artists rendering of the arena. All of those things add up and give you what I projected to be 11.3 million dollars for their fees as part of the \$127,000,000 dollar project. Hunt Construction was the second question that I received, again referring to some press article and trying to distinguish what I said from that press article. I looked at that press article and I think it actually had a better explanation than I would have given off of the cuff. Hunt has a fee of about 2.8 million dollars. Of that \$478,000 is at risk for meeting some incentives. That is their fee for handling \$127,000,000 project. They are reimbursed expenses for doing so. The staff costs, if they pay less in staff than three million dollars, we get most of that money back as well as other expenses. They print the blue prints. They buy the fire extinguishers. They deal with safety and security matters. They are now insuring that we have security guards on site. All of those things are what they are doing and that's why when I gave you a report they show their commitments at 7.178 million dollars. That is what they are committed. We have committed to pay them to pay for the many things that go into making a project a success. I think that was clearly identified when I spoke with the reporter back for that article and I'm happy to go into more detail or get more detail if you want it. Mr. Friend had a couple of other questions. There is another under project administration that is an aggregate of two items that were identified in the prior report a K R Y P in the website designer and this one I combined it into one line. There is talk about legal. Yes legal is another. And there was talk about insurance and I think the insurance number that I gave you is correct. But, I've not had the opportunity to confirm that. But I do believe it is correct. Now, you've asked about parking, the hotel and I think you may have asked about the demolition of Roberts and no, those are not in the arena report. They are not part of the arena design and build. When we talked about setting a cost cap on the arena project, I think Mr. McGinn and I had a dialogue about \$127,500 vs. \$128,500, but two of the items that I think were pretty clear as we were talking about designing and building an arena. We were not talking about parking and we weren't talking about demolishing Roberts. We were talking about designing and building an arena. The fact that Roberts will cost money to demolish isn't a surprise. It's not bad planning it's just not the terms that we were discussing at

the time. The second explicit discussion associated with your cost cap resolution was that it addressed the public funds going into the project. There are public funds going into the project and you are mindful of that and we are all trying to be fiscal stewards of that money. But there are also private funds. And, I'll go into one example of that simply because the example has raised some interest. I'll talk a little about cell phones in the phenomenon 4G. Lot's of commercials about 4G. When we designed the arena 3G wasn't around the country yet. Cell phones were cell phones. They were not sending data, they weren't streaming video, they were cell phones. 3G was up and coming. We are now at 4G. We hope to bring 4G into the new arena and the private sector is willing to participate in that. Indeed, I believe that we have had several contacts with folks that say the private sector will be responsible for funding the equipment necessary to bring 4G into the building. I'll talk about the YUM Center because there has been a lot of talk about the Yum Centers spending 2 million dollars. Perhaps this goes to the public/private issue in our arena, perhaps it doesn't. The YUM Center 4G project cost about 2 million dollars, I am told. I'm also told that that is essentially being paid for by the private sector. Now the way they structured it is that this governmental entity paid the equipment manufacturer and the private sector paid the government entity. That gave the government entity control over the system so that no single vendor could fiddle with it. No net cost to the government but a flow of funds that did involve public money. I don't know if that's the flow of funds that I'll recommend we use for our 4G, but, it's a zero net cost that we are attempting to achieve. That's not in my report to you of public funds spent on the arena because indeed I expect no public funds to be spent on that exercise.

Let's talk about the hotel for a second. First, there is a lot of inaccurate speculation and I think it is important to emphasize as I have done with many people. Woodruff Hospitality has not received a single nickel of public money at this time. They haven't been paid a dime. On the contrary they have paid the Redevelopment Commission \$50,000. That was the price of signing the development agreement. So they are working under the development agreement. We are working under the development agreement. We worked very hard to make the development agreement something that protected the public funds and those protections are in place. They have not paid a dime. The discussion about the change of control at Woodruff, with the Kunkel Group becoming the spokesman, it really has nothing to do with the terms of the development agreement. Let me talk about that for a second. I talk about the incentives that being eight million dollars for the hotel project. I believe that's correct, I believe that's the number that is relevant because that's the amount of money that is available that could be spent for other purposes if indeed we didn't want a hotel. I think a hotel is critical for downtown. You may or may not agree, but the amount of money that we have that would go to the hotel project under the development agreement that could have other uses is about eight million dollars. There is another incentive and when I spoke with you with respect to the non-binding resolution months ago, I am confident that I mentioned that there was a tax phase-in associated with the project. Tax abatement, tax phase-in, that is a fairly common incentive for development projects. I don't talk about it in terms of the eight million dollars because that's not money you can spend on something else. That money doesn't appear without a hotel and it's even more clearly the case because that property tax money goes into the TIF which is in turn paying the incentives for the hotel project. That amount of money will depend on the appraised value of the hotel. My understanding of tax appraisal is that it's related to the construction cost of the hotel. We have talked about the project being a 30, 31, or 32 million dollar investment. The actual hard construction cost that I believe most accurately relates to the assessed value is about 20 million dollars. I believe the last time I looked, the property tax rate is about 260 per hundred, that translates then into an economic value over ten years of property tax phase in. Money that I

don't believe you will see without a hotel, but if you do see, it goes into the TIF on a phased in basis. The convention headquarters hotel which is what we hoped to get is something that I think is important to the convention business downtown. It is important for the revitalization of downtown. I don't want to look at this through rose-colored rearview mirrors. I don't think you had a convention center hotel worthy of that name before the arena came along. If you remember at the time the arena project and I showed up, the Executive Inn was behind on its property taxes, had a reoccurring problem with a liquor license because it had a reoccurring problem paying its state taxes. It had been foreclosed on, not technically, but the bank had thrown out the owners and taken control of the building. The Convention Center Hotel that was the Executive Inn wasn't there attracting conventions. That's why we asserted that putting the arena in that location allowed you, allowed the city, to address several issues together, all for the price of the property which was not significantly different than the price of the other arena location. Now when I talk to you about the cost of the Executive Inn land as it relates to the arena, I do so very cautiously because we have used Build America Bonds and tax-exempt financing for the arena. You cannot use those to build a hotel. So when I tell you how much the arena cost, I am cautious to identify that the Executive Inn costs need to be properly apportioned between the hotel project and the arena project. I will leave that to the lawyers to divide up. I had suggested it ranges from 6 million dollars to 10.9 because if you look at a map and you look at the land of the Executive Inn, which goes from Locust to Chestnut, MLK to 6th (all but one little corner), you see that about half went to the hotel. That's the basis of my six. If you look at the appraised value of the property that's in the Woodruff Hotel deal, that's at about a million. That's the 10.9. The numbers will go somewhere between the two. That's how I come up with those numbers, and I think it's important to remember that we wanted a good hotel, whether it's three stars or four stars. We had an option for a no-star hotel. We could have drawn a page from the medical field and said "first do no harm" and put the old Executive Inn in all its glory detail back in place. That was not a decision that was well advocated. No one wanted the old Executive Inn back, and the money that we would have spent to bring back the old Executive Inn would have been wasted. When we were looking at the hotel development there were many opinions, some private, some very well public, some printed, some spoken, that the private sector should be the sector that you look for, for the hotel. And if the private sector wouldn't justify building a hotel, then none would be built. Well again, most people thought the hotel was important and the way it is in most cities the size of Evansville is that some public participation is necessary to make those projects feasible. So the ERC issued a preliminary RFP to GAGE the level of those incentives. That preliminary RFP produced a proposal that most nearly, one proposal that we viewed that most nearly faced the private initiative, i.e. a local developer seeking the lowest amount of incentives. That produced the development agreement that we have today. And when that developer finalizes and chooses amongst his financing options to build the hotel, it will, as I promised you way back when, come before you for final review and a vote in favor or opposed. There are many bodies that have to vote one way or the other. You have the largest scope of consideration, and I believe the hotel is important for downtown, and I hope you will continue to believe that. As it stands right now, Woodruff Hospitality is working underneath the terms of the development agreement, demolition of parking garage is proceeding under the schedule that was filed by Klenk, who is the demolition contractor, with the Safety Board there was a pause between the garage demolition and the tower demolition and the tower demolition was scheduled to resume on May 23rd. I believe that is still the schedule. I've talked with Klenk and they are proceeding with May 23rd being the first day. That's a Monday. Perhaps it's Tuesday, but the fact that the crane is sitting there and Walnut Street is reopen, is all according to the plan. So that's the situation with the hotel development agreement. That's my response to arena spending projections and I'm happy to answer any questions. The goal was to

build an arena, to design an arena that Evansville could be proud of. I think you will be proud of this arena. We have spent effort to bring the arena along over the last couple of years to do the things that will make the experience nice. There are ribbon boards, there are LED scorer's tables, there are curtains, there are all things that if you wanted to make it 126 million instead of 127 million dollars, we could have revisited. As it stands, as I reported to you two weeks ago, I believe we are within your cost cap and intend for the next five months to stay that way.

Councilman Friend: On this development agreement we have, do we have bonding in that deal, because that's the same agreement that's going to carry forward in the Kunkel Group.

John Kish: Do you mean performance bonding or do you mean finance bonding?

John Friend: Well, both.

John Kish: We had talked about having the construction company post a performance bond. We settled on a series of escrows to perform that same protective cocoon around our money.

John Friend: So I mean Kunkel has come forth. Do they have other investors or are they just it.

John Kish: Woodruff Hospitality, LLC remains the entity. Kunkel is an investor and I believe there are other investors.

John Friend: Are there more than one? Just them? I mean they are the only one ...?

John Kish: No, no. Woodruff Hospitality, LLC is the entity. Kunkel is an investor in Woodruff Hospitality. There are other investors in Woodruff Hospitality. There may be other investors in Kunkel. I don't know, but there is more than just Ben Kunkel.

John Friend: Do you think it is possible that some members of council could review the financial position of that entity and/or more importantly, the investors in that. What my concern is and I think amongst a lot of us is this thing may get protracted due to another event occurring, that we wouldn't have the funding, the finances. We would like to vent them if we could.

John Kish: We will bring to you the package and have as much information as we have. Some of it may well be proprietary and confidential.

John Friend: Well, we can sign. I'll sign a non-disclosure release.

John Kish: But the whole development agreement is premised on protecting our money until enough money shows up on the developer's side to insure...not that we can start the hotel, but that we can finish it and get it open and have working capital to ensure that it continues to be open.

Councilman McGinn: John, first of all I did ask you.....I sent you two questions. The first one I based my question on only a reading of my notes on that Hunt Construction. Just to make it clear, Hunt Construction is approximately 5.3 million dollars plus the expenses are extra. You clarified that for me in your response to me. I had that wrong in my private notes. One thing that I do want to ask is about the expenses. You show the job site office expense of about half of

a million dollars. This is not just a construction trailer that's \$16,900 a month rent. Is there something

John Kish: This is a thirty month lease on the space on sixth street. It is on the second floor level above. Repo Graphics is the business on the first floor. They are on the second floor. They have a front entrance and a back entrance. They also have offices for everyone. If you walk past Repo Graphics you will see a door that says "Hunt, Arena Project." on it.

Councilman McGinn: And then there is the \$300,000 for blue prints. I think you call them drawings? Us grey haired guys call them blue prints. That's \$300,000. That's not out of the ordinary for a project like this.....

John Kish: I think the \$300,000 is very healthy. I don't think that we will spend that much. You asked for commitments and that's what we budgeted originally because you need to print up these things so everybody on the site knows what they are supposed to be doing.

Councilman McGinn: The people who want to bid on the project, they still have to buy their own set, do they not?

John Kish: Yes, I think so. But, then most of this printing is ...once you have a successful bidder you have to have drawings all over the place so that everyone can look at the same drawing.

Councilman Adams: I think that all of us would like what Councilman Friend requested of you in terms of the financial background. Is it your opinion that this juncture that Woodruff is stable enough so that you don't have to re-bid this project?

John Kish: Yes.

Councilman Adams: Finally I would just like to make the observation as having gone to many, many medical meetings that you have to have a class act hotel next to the convention center or you will not get the convention. I don't know about other businesses, but in medicine you've got to have an anchor hotel. I support you.

John Kish: I have only been here for two years. The stories of the conventions showing up and going into the Executive Inn and saying that they are never coming back again.

Councilman McGinn: Just to remind you, about three months ago as the result of a project that was being contemplated by the Visitors and Convention Bureau this board did pass a resolution talking about the importance and the primary importance of finishing that hotel. I think that we all believe that's an integral of the entire complex. That's the county center and the cities arena and the liability of the downtown area.

Councilman Friend: John, I have to ask your opinion on Number 7. If we take that future cost, \$820,000 dollars or the utility relocation costs of \$649,000. If it is included in that deal, in your opinion, do you think that Hunt is going to miss the \$95,000,000 number? And if they do, will they still receive the \$500,000 bonus?

John Kish: No, we projected all along that the construction costs would be a certain level. Now, when you are talking to the architect, construction cost means a little different than when you are talking to the construction manager. In this case the incentive is based on the bid results that Hunt receives, that what they are incented to manage. Not their own fee. If you look, you will see that we are still below ninety on that measure of construction costs.

Councilman Friend: Finally I have got to \$100,000 for that thing to Old National. Do we get a report on the insurance deal?

John Kish: ERC received recommendations for each of the insurances that were considered. Some of them I think the recommendation is....we really don't think you want to spend this kind of money for this insurance. There was an insurance policy that would pay us if we found an underground storage tank. All we had to do to qualify for the insurance policy was prove that there was no underground storage tank.

Councilman Friend: Usually you go out to the insurance companies, they will be happy to give you this for nothing. That's what I've found.

John Kish: I think you get what you pay for. In big projects, my experience is that you want the agent to choose amongst competing companies without regard to the commission structure of each individual company. That's why the agreement required them to net out the commission cost in each of those policies.

Councilman Friend: I think I'm going to start a division in my accounting firm to do this. This sounds like a good thing.

John Kish: This will be an arena that you will be proud of.

Jim Braker: My name is Jim Braker. I was prepared tonight to ask for an audit of this arena project because of some of the questions. But, Mr. Kish answered those questions that Councilman Friend and Councilman McGinn put forth tonight. I feel that he is in line with what he said he would do. What he said that the project would cost between 122 and 127 million dollars. He asked questions that we were concerned about. Thank you all for asking these questions because we as the public want to see how our money is being spent. Thank you.

Berniece Tirmenstein: An issue I'd like to address is my concern that a large number of trees in people's yards that had gas lines relocated and relined in preparation for the sewer project may die. I have given each of you printouts I copied from Purdue University Extension. When the sewer project started on my street November 23rd, 2010, heavy equipment came to dig up my yard –trenching done. In the process, feeder roots that furnish nourishment to the trees were severed, feeder roots being within 12 inches from surface of the ground, sometimes as close as 6 inches. The weight of the equipment caused further damage by crushing the roots. In what possible damage has this caused the tree? In the printout you'll find the statement that the first year, limbs will die, second year more, and third year the tree may die. As Shawn Dickerson, City Tree Arborist said at the last council meeting, trees can play a vital part in property value, cut cost of air conditioning and pollution – exchange O2 and CO2. I asked Mr. Dickerson what we can do as homeowners to save these trees. Information from Purdue Extension through Larry Caplan said to fertilize the tree in May and September and be sure the tree receives enough water on a weekly basis. This information I'd like to get out to homeowners. We are in May so

fertilize. Too, I'd like to suggest taking pictures in order to monitor the health of the tree. Get information out to news media as to how people may be informed. If those trees die, it is costly to homeowners to have the tree cut down. Advice from Larry Caplan from Purdue Extension, Purdue University.

Re: Survival of trees that may be affected during excavation for water, gas, and sew lines. He advocates fertilizing those trees in May and September and being sure the tree gets enough water to nourish the feeder roots/tree. Purdue Extension, Vanderburgh County. 812-435-5287. www.extension.purdue.edu/vanderburgh.

Councilman Adams: Thank you Bernice.

COMMITTEE REPORTS:

ASD COMMITTEE:

Nothing scheduled at this time.

CHAIRWOMAN ROBINSON

FINANCE COMMITTEE:

Re: Ordinance F-2011-1

Date: May 23, 2011

Time: 5:00 p.m.

Notify: Jenny Collins

CHAIRMAN FRIEND

To re-hear ordinance regarding Parks Funding.

Re: Ordinance F-2011-2

Date: May 23, 2011

Time: 5:00 p.m.

Notify: Jenny Collins

Authorizing transfers of appropriations, additional appropriations, and repeal and re-appropriation of funds for various city funds.

Re: Ordinance F-2011-3

Date: May 23, 2011

Time: 5:00 p.m.

Notify: Jane Reel (DMD)

Authorizing transfers of appropriations, additional appropriations, and repeal and re-appropriation of funds for various city funds.

Re: CDBG/ESG/HOME

Date: September 7, 2011

Time: 4:00 – 6:00 p.m.

Notify: DMD

Public Hearing for Agencies
Room 301 (Wednesday)

Re: CDBG/ESG/HOME

Date: September 26, 2011

Time: 5:20 p.m..

Notify: DMD

Committee Meeting and 2nd and 3rd Reading

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2011-9

Date: May 23, 2011

Time: 5:10 p.m.

Notify: Stephen Bohleber

CHAIRWOMAN MOSBY

Petition to vacate an alley
adjacent to 1275 and 1301 E. Morgan Ave.

Re: Ordinance G-2010-23

Date: May 23, 2011


Petition to vacate an alley
between Walnut and Locust St.

Time: 5:20 p.m.
Notify: Maria Worthington

ADJOURNMENT

Councilman Friend moved and Councilman M^cGinn seconded the motion to adjourn.
Voice vote. So ordered.

Meeting adjourned at 7:15 p.m.


Vice President, Dan Adams


Alberta Matlock, City Clerk

ROLL CALL

PLEDGE OF ALLEGIANCE

RECOGNITION OF SCHOOLS

READING AND AMENDMENT OF MINUTES

REPORTS AND COMMUNICATIONS

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2011-9 PUBLIC WORKS MOSBY

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as an alley adjacent to 1275 and 1301 E. Morgan

ORDINANCE F-2011-2 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

ORDINANCE F-2011-3 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing re-appropriations, additional appropriations, repeals and transfers of funds within a city department.

ORDINANCE R-2011-3 TO APC R-1 TO R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3624 Pollack Avenue, Evansville, IN 47714

Petitioner: Paul K. Neville II
Owners: Melba Elvira Neville
Representative: Paul K. Neville II
District: Missy Mosby, Ward 2

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2011-7 A.S.D. ROBINSON

An Ordinance amending the zoning code by adding additional use groups listing permitted uses in the Air District and establishing signage requirements for these uses

ORDINANCE G-2011-8 A.S.D. ROBINSON

An Ordinance amending the zoning code by establishing an arts overlay zone in the Haynies' Corner area allowing certain businesses to be operated from homes in the area as accessory uses to residential use including live/work units

RESOLUTION C-2011-12 **FINANCE** **FRIEND**

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for property Tax Phase-In for the Acquisition and Installation of New Information Technology and Business Equipment (SS&C Technologies, Inc.)

RESOLUTION C-2011-14 **FINANCE** **FRIEND**

A Preliminary Resolution of the Common Council of the City of Evansville declaring an Economic Revitalization Area for Property Tax Phase-In for Redevelopment/ Rehabilitation of Real Property and New Information Technology Equipment (Windstream Corporation)

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2011-7 **A.S.D.** **ROBINSON**

An Ordinance amending the zoning code by adding additional use groups listing permitted uses in the Air District and establishing signage requirements for these uses

ORDINANCE G-2011-8 **A.S.D.** **ROBINSON**

An Ordinance amending the zoning code by establishing an arts overlay zone in the Haynies' Corner area allowing certain businesses to be operated from homes in the area as accessory uses to residential use including live/work units

RESOLUTION C-2011-12 **FINANCE** **FRIEND**

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RESOLUTION C-2011-14 **FINANCE** **FRIEND**

A Preliminary Resolution of the Common Council of the City of Evansville declaring an Economic Revitalization Area for Property Tax Phase-In for Redevelopment/ Rehabilitation of Real Property and New Information Technology Equipment (Windstream Corporation)

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting on Monday, May 16, 2011. The next City Council meeting will be Monday, May 23, 2011 at 5:30 p.m. Committee Meetings will begin at 5:00 p.m.

ADJOURNMENT

The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL

| | | |
|------------------------------|-------------------|-----------------|
| <u>✓</u> M ^c GINN | <u>A</u> ROBINSON | <u>✓</u> JOHN |
| <u>A</u> MOSBY | <u>✓</u> FRIEND | <u>✓</u> WALKER |
| <u>✓</u> BREHOLD | <u>✓</u> ADAMS | <u>A</u> WATTS |

There being 6 members present, 3 members absent, and 6 members representing a quorum, I hereby declare this session of Common Council officially opened.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance will be led by Adams.

Fellow Councilmen and those in the audience, welcome to the May 9, 2011 meeting of the Common Council.

RECOGNITION OF SCHOOLS

Are there any students in the audience who would like to be recognized?

SCHOOL: _____
NAME: _____

SCHOOL: _____
NAME: _____

TEEN ADVISORY COUNCIL

COUNCIL ATTORNEY

This evening John Hamilton is City Council Attorney.

SERGEANT AT ARMS

This evening Officer NONE is our Sergeant at Arms.

READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING

Is there a motion to approve the minutes of the April 25, 2011 meeting of the Common Council as written?

Councilman Friend moved and Councilman John seconded the motion that the minutes of the regular meeting of the Common Council held April 25, 2011 be approved as written. Voice vote, ✓ So ordered, ✓

REPORTS AND COMMUNICATIONS

IN YOUR MAY 6TH PACKET:

- *City Council Agenda for May 9, 2011 meeting.
- *Committee Meeting Schedule.
- *City Council Meeting Minutes from the April 25, 2011.
- *Ordinance R-2011-3.
- *Ordinances G-2011-9, F-2011-2 and F-2011-3.
- *Report from Legal Aid Society.
- *Evansville Redevelopment Commission Minutes from April 5, 2011 Meeting.
- *Review of the Arts Overlay Zone Design Guidelines.
- *News Releases: Historic Preservation Month Overview of Activities for May, 2011.
Courthouse Preservation Featured at Annual Preservation Banquet.
Kunkel Group, Inc. Announces New Tenant at Park41.

ON YOUR DESK THIS EVENING:

- *A copy of Resolution C-2009-29.
- *A memo from Lynn Buhr regarding Board Appointments.

Councilman Friend moved and Councilman Bredhold
seconded the motion to receive, file and make these reports and communications a part of
the minutes of the meeting. Voice vote. ✓ So ordered. ✓

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2011-9 PUBLIC WORKS MOSBY

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as an alley adjacent to 1275 and 1301 E. Morgan

ORDINANCE F-2011-2 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

ORDINANCE F-2011-3 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing re-appropriations, additional appropriations, repeals and transfers of funds within a city department.

ORDINANCE R-2011-3 TO APC R-1 TO R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3624 Pollack Avenue, Evansville, IN 47714

Petitioner: Paul K. Neville II
Owners: Melba Elvira Neville
Representative: Paul K. Neville II
District: Missy Mosby, Ward 2

Is there a motion to adopt the Consent Agenda as written?

Councilman McCairn moved and Councilman Bredhold seconded the

Motion to adopt the Consent Agenda as written. Voice vote. ✓ So ordered. ✓

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2011-7 A.S.D. ROBINSON

An Ordinance amending the zoning code by adding additional use groups listing permitted uses in the Air District and establishing signage requirements for these uses

ORDINANCE G-2011-8 A.S.D. ROBINSON

An Ordinance amending the zoning code by establishing an arts overlay zone in the Haynies' Corner area allowing certain businesses to be operated from homes in the area as accessory uses to residential use including live/work units

RESOLUTION C-2011-12 FINANCE FRIEND

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for property Tax Phase-In for the Acquisition and Installation of New Information Technology and Business Equipment (SS&C Technologies, Inc.)

RESOLUTION C-2011-14 FINANCE FRIEND

A Preliminary Resolution of the Common Council of the City of Evansville declaring an Economic Revitalization Area for Property Tax Phase-In for Redevelopment/ Rehabilitation of Real Property and New Information Technology Equipment (Windstream Corporation)

COMMITTEE REPORTS:

A.S.D. COMMITTEE

CHAIRWOMAN ROBINSON

Councilman Adams: Mr. President, your A.S.D. Committee met this evening to hear Ordinances G-2011-7 and G-2011-8 and both come forward with a (do pass) ~~(do not pass)~~ recommendation.

FINANCE COMMITTEE

CHAIRMAN FRIEND

Councilman Friend: Mr. President, your Finance Committee met this evening to hear Resolutions C-2011-12 and C-2011-14 and both come forward with a (do pass) ~~(do not pass)~~ recommendation

Councilman Friend moved and Councilman McGinn seconded the motion to adopt the Committee Reports and move these Ordinances and Resolution to

Third Reading. Voice vote. ____ So ordered. ____

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2011-7

A.S.D.

ROBINSON

An Ordinance amending the zoning code by adding additional use groups listing permitted uses in the Air District and establishing signage requirements for these uses

Paul Wallace

Is there a motion to adopt Ordinance G-2011-7 and call the roll?

Councilman *McGinn* moved and Councilman *Bredhold* seconded the motion to adopt Ordinance G-2011-7 and call the roll.

ROLL CALL

✓ M^cGINN

A ROBINSON

✓ JOHN

A MOSBY

✓ FRIEND

✓ WALKER

✓ BREHOLD

✓ ADAMS

A WATTS

There being *6* Ayes and *0* Nays, Ordinance G-2011-7 is hereby declared
ADOPTED/~~DENIED~~.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2011-8

A.S.D.

ROBINSON

An Ordinance amending the zoning code by establishing an arts overlay zone in the Haynies' Corner area allowing certain businesses to be operated from homes in the area as accessory uses to residential use including live/work units

Is there a motion to adopt Ordinance G-2011-8 and call the roll?

Councilman Bredhold moved and Councilman John seconded the motion to adopt Ordinance G-2011-8 and call the roll.

ROLL CALL

✓ M^cGINN

A ROBINSON

✓ JOHN

A MOSBY

✓ FRIEND

✓ WALKER

✓ BREHOLD

✓ ADAMS

A WATTS

There being 6 Ayes and 0 Nays, Ordinance G-2011-8 is hereby declared
ADOPTED/~~DENIED~~.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2011-12

FINANCE

FRIEND

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for property Tax Phase-In for the Acquisition and Installation of New Information Technology and Business Equipment (SS&C Technologies, Inc.)

Is there a motion to adopt Resolution C-2011-12 and call the roll?

Councilman Walker moved and Councilman McGinn seconded the motion to adopt Resolution C-2011-12 and call the roll.

ROLL CALL

✓ M^cGINN

A ROBINSON

✓ JOHN

A MOSBY

✓ FRIEND

✓ WALKER

✓ BREHOLD

✓ ADAMS

A WATTS

There being 6 Ayes and 0 Nays, Resolution C-2011-12 is hereby declared
~~ADOPTED/DENIED.~~

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2011-14

FINANCE

FRIEND

A Preliminary Resolution of the Common Council of the City of Evansville declaring an Economic Revitalization Area for Property Tax Phase-In for Redevelopment/
Rehabilitation of Real Property and New Information Technology Equipment
(Windstream Corporation)

Is there a motion to adopt Resolution C-2011-14 and call the roll?

Councilman Friend moved and Councilman McGinn seconded the
motion to adopt Resolution C-2011-14 and call the roll.

ROLL CALL

✓ M^cGINN

A ROBINSON

✓ JOHN

A MOSBY

✓ FRIEND

✓ WALKER

✓ BREHOLD

✓ ADAMS

A WATTS

There being 6 Ayes and 0 Nays, Resolution C-2011-14 is hereby declared
ADOPTED/~~DENIED~~.

Brehl's moves
Friend seconds

McGinn
on Zoo Board

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, May 16,, 2011.

The next City Council meeting will be Monday, May 23 2011 at 5:30 p.m. Committee meetings will begin at 5:00 p.m.

John Kish – To answer questions submitted by John Friend regarding the Arena.

Kish

Friend

Kish

Friend

Kish

Friend

Kish

Friend

Kish

McGinn

Kish

McGinn

Kish

Adams

Kish

Adams

Kish

McGinn

Friend

Kish

Friend

Kish

Friend

Adams

Kish

Jim Braker

Berniece Timenstein

COMMITTEE REPORTS:

ASD COMMITTEE:

Nothing scheduled at this time.

FINANCE COMMITTEE:

Re: Ordinance F-2011-1
Date: May 23, 2011
Time: 5:00 p.m.
Notify: Jenny Collins

Re: Ordinance F-2011-2
Date: May 23, 2011
Time: 5:00 p.m.
Notify: Jenny Collins

Re: Ordinance F-2011-3
Date: May 23, 2011
Time: 5:00 p.m.
Notify: Jane Reel (DMD)

Re: CDBG/ESG/HOME
Date: September 7, 2011
Time: 4:00 – 6:00 p.m.
Notify: DMD

Re: CDBG/ESG/HOME
Date: September 26, 2011
Time: 5:20 p.m..
Notify: DMD

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2011-9
Date: May 23, 2011
Time: 5:10 p.m.
Notify: Stephen Bohleber

Re: Ordinance G-2010-23
Date: May 23, 2011
Time: 5:20 p.m.
Notify: Maria Worthington

CHAIRWOMAN ROBINSON

CHAIRMAN FRIEND

To re-hear ordinance regarding Parks
Funding.

Authorizing transfers of appropriations,
additional appropriations, and repeal and
re-appropriation of funds for various city
funds.

Authorizing transfers of appropriations,
additional appropriations, and repeal and
re-appropriation of funds for various city
funds.

Public Hearing for Agencies
Room 301 (Wednesday)

Committee Meeting and 2nd and 3rd Reading

CHAIRWOMAN MOSBY

Petition to vacate an alley
adjacent to 1275 and 1301 E. Morgan Ave.

Petition to vacate an alley
between Walnut and Locust St.

ADJOURNMENT

Councilman Friend moved and Councilman McGinn

seconded the motion to adjourn. Voice Vote. ✓ So Ordered. ✓

Meeting adjourned at 7:15 p.m.

CITY COUNCIL

COMMITTEE MEETING SCHEDULE

.....
May 9, 2011
.....

FINANCE COMMITTEE:

Re: Resolution C-2011-14
Date: May 9, 2011
Time: 5:05 p.m.
Notify: Donna Crooks (GAGE)

CHAIRMAN FRIEND

Preliminary Tax Phase-In for
Windstream Corporation.

Re: Resolution C-2011-12
Date: May 9, 2011
Time: 5:10 p.m.
Notify: Debbie Dewey (GAGE)

Confirming Tax Phase-In for
SS&C Technologies, Inc.

A.S.D. COMMITTEE:

Re: Ordinance G-2011-7
Date: May 9, 2011
Time: 5:15 p.m.
Notify: Brad Mills/Janet Greenwell

CHAIRWOMAN ROBINSON

Adding additional uses in the Air District
and establishing signage requirements

Re: Ordinance G-2011-8
Date: May 9, 2011
Time: 5:15 p.m.
Notify: Brad Mills/Janet Greenwell

Establishing an Arts Overlay Zone in the Haynie's
Corner Area and allowing certain businesses to be
operated from homes in the area as accessory uses

.....
May 23, 2011
.....

FINANCE COMMITTEE:

Re: Ordinance F-2011-1
Date: May 23, 2011
Time: 5:00 p.m.
Notify: Jenny Collins

CHAIRMAN FRIEND

To re-hear ordinance regarding Parks
Funding.

Re: Ordinance F-2011-2
Date: May 23, 2011
Time: 5:00 p.m.
Notify: Jenny Collins

Authorizing transfers of appropriations,
additional appropriations, and repeal and
re-appropriation of funds for various city
funds.

Re: Ordinance F-2011-3
Date: May 23, 2011
Time: 5:00 p.m.
Notify: Jane Reel (DMD)

Authorizing transfers of appropriations,
additional appropriations, and repeal and
re-appropriation of funds for various city
funds.

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2011-9
Date: May 23, 2011
Time: 5:10 p.m.
Notify: Steve Bohleber

CHAIRWOMAN MOSBY

Petition to vacate an alley adjacent to
1275 & 1301 E. Morgan

Committee Meeting Schedule continued:

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2010-23

Date: May 23, 2011

Time: 5:20 p.m.

Notify: Maria Worthington

CHAIRWOMAN MOSBY

Petition to vacate right-of-way

Alley between Walnut and Locust

September 7, 2011

FINANCE COMMITTEE:

Re: CDBG/ESG/HOME

Date: September 7, 2011

Time: 4:00 – 6:00 p.m.

Notify: DMD

CHAIRMAN FRIEND

Public Hearing for Agencies

Room 301 (Wednesday)

September 26, 2011

Re: CDBG/ESG/HOME

Date: September 26, 2011

Time: 5:20 p.m.

Notify: DMD

Committee Meeting and 2nd and 3rd Reading

Evansville Redevelopment Commission
Tuesday, April 5, 2011

A regular meeting of the Evansville Redevelopment Commission was held on Tuesday, April 5, 2011 at 8:30 a.m. in Room 307, Civic Center Complex, Evansville, Indiana.

Attendance

Commission members present: Jay Carter, Jody Phillips, Bob Goldman, and Greg Elpers. Also in attendance: DMD Staff –Tom Barnett, Jane Reel, Lana Abel, Adam Schaaf, and Sarah Howard, as well as Legal counsel – Brad Salmon. Commission members absent: Sara Miller and Karen Ragland (non-voting member).

Call to Order

Mr. Goldman called the meeting to order pronouncing a quorum present.

Approval of Minutes of March 15, 2011

Mr. Goldman called for a motion to approve the minutes, amended to correct a typographical error indicating approval of minutes for February 1, 2011 twice; the corrected minutes shall reflect approval of minutes from February 1, 2011 and February 15, 2011. Mr. Phillips made a motion to approve the minutes. Mr. Elpers seconded. The motion passed with 4 ayes and 0 nays.

Approval of Accounts Payable Vouchers

Mr. Goldman called for a motion to approve all vouchers with exception of VPS Architecture. Mr. Phillips made a motion to approve the voucher. Mr. Elpers seconded. The motion passed with 4 ayes and 0 nays.

Mr. Goldman called for a motion to approve the voucher for VPS Architecture in the amount of \$6026.00.

Mr. Phillips requested to abstain from this vote. Mr. Elpers made a motion to approve the voucher. Mr. Carter seconded. The motion passed with 3 ayes, 0 nays, and 1 abstention.

Downtown Redevelopment Area

11-ERC-17 Authorizing Execution of a Consent, Waiver and Estoppel Certificate with Old Post Office Management, LLC

Mr. Salmon stated this was a continuation of the agreement passed at the last meeting which holds Mr. Hamami harmless for breaches of past tenants, consenting to the assignment of the leasehold interest to Old Post Office Management, LLC, and releasing Old Post Office Management, LLC from any indemnification obligations arising out of the actions of prior tenants. Mr. Salmon also stated a separate development agreement will be forthcoming within the next couple of weeks that would address issues pertaining to Mr. Hamami's responsibility to the Commission.

Mr. Elpers made a motion to approve the resolution. Mr. Phillips seconded. The motion passed with 4 ayes and 0 nays.

11-ERC-18 Authorize Maintenance Agreement with Building Authority for Arena

Mr. Kish spoke on behalf of the resolution, continuing to utilize the Building Authority's staff for the Authority's current jurisdictional buildings, but at the Arena as well. He stated the agreement is valid through December of 2012 then annually after that time. There was discussion on unique insurance needs, as well as who gets final approval for EVCBA to accept the Arena.

Mr. Phillips made a motion to approve the resolution. Mr. Carter seconded. The motion passed with 4 ayes and 0 nays.

At the request of Mr. Goldman, Mr. Kish provided a brief update on the Arena project.

11-ERC-19 Awarding Contract for 5th Floor Exterior Masonry Repair for the Innovation Pointe Building at 318 Main St

Ms. Debbie Dewey, Executive Director of GAGE, spoke on behalf of this resolution, as well as 11-ERC-20 and 11-ERC-21. She stated all are a part of original proposal last year for repairs and maintenance to Innovation Pointe. She stated there had been leaking through the windows, the sills were all damaged, and damage to the masonry is allowing leaking into the building.

Evansville Redevelopment Commission

Mr. Elpers made a motion to approve the resolution. Mr. Carter seconded. The motion passed with 4 ayes and 0 nays.

11-ERC-20 Awarding Contract for Window Sill Replacement at the Innovation Pointe Building at 318 Main St

Much of the discussion of this resolution was articulated during discussion of related resolutions. Ms. Dewey explained her concerns with the contractor submitting the lowest bid.

Mr. Carter made a motion to approve this resolution. Mr. Elpers seconded. The motion passed with 4 ayes and 0 nays. The ERC found that the lowest bidder should not be awarded this contract because of concerns related to the ability of the lowest bidder to perform the work, past issues with the quality of the lowest bidder's work, and the integrity, character and reputation of the lowest bidder, and recommended awarding the contract to the second lowest instead.

11-ERC-21 Awarding Contract for Window Glass Replacement at the Innovation Pointe Building at 318 Main St

Mr. Phillips inquired how many windows were to be replaced, particularly concerning the match of replacement windows to those not being replaced on the same façade. Ms. Dewey deferred to Innovation Pointe maintenance Gene Goebel, who stated the new windows will be tinted and should match what is already in place.

This resolution was tabled pending approval from Design Review Committee.

11-ERC-22 Authorizing Professional Services for Fire Code Issues at the Innovation Pointe Building at 318 Main St

Ms. Dewey, President of GAGE, spoke on behalf of this resolution as well. She stated this is based on a recommendation from fire maintenance and prevention provider suggesting repairs needed to bring building up to code. There was discussion on necessity of cited repairs. Further discussion included liability of improperly installed sprinklers.

Mr. Phillips made a motion to approve the resolution. Mr. Carter seconded. The motion passed with 4 ayes and 0 nays.

Mr. Goldman also requested investigation as to who originally installed the defective sprinklers.

11-ERC-23 Authorizing Notice to Bidders for 3rd Floor Modifications of Innovation Pointe

Ms. Dewey, President of GAGE, also spoke on behalf of this resolution. She stated as part of the incentive package to land SS&C Technology, some walls will be removed to transform smaller offices into a larger work area for about 20 people. Ms. Abel stated Certified Technology Park funds are to be used for this project and funds are currently available.

Mr. Elpers made a motion to approve the resolution. Mr. Phillips seconded. The motion passed with 4 ayes and 0 nays.

11-ERC-24 Authorizing an Agreement for use of the Former Kenny Kent Site for the Downtown Farmer's Market

Ms. Abby Waninger, GAGE representative, spoke on behalf of this resolution. She stated the Farmers' Market will run from May 20 through October 7, 2011. There was discussion on who gets priority in case of other events scheduled at same time. Ms. Dewey stated there may be a calendar in place for multiple agencies to refer to before scheduling events. Further discussion included GAGE insurance issues.

Mr. Phillips made a motion to approve the resolution. Mr. Elpers seconded. The motion passed with 4 ayes and 0 nays.

Arts Redevelopment Area

11-ERC-25 Awarding a Contract for Exterior Renovations for the Alhambra Theatre

Evansville Redevelopment Commission

Ms. Sarah Schuler, representative of VPS Architecture, spoke on behalf of this project. She stated she was requesting approval of Architectural Renovators to complete the exterior restoration of the Alhambra Theatre.

Mr. Goldman inquired about the additional funds for MBE/WBE. Ms. Schuler stated it was the consensus of the Alhambra board to adhere to the City of Evansville and DMD's policy of promoting MBE/WBE. There was further discussion of the MBE/WBE issue.

Mr. Elpers inquired about the remaining \$40,000 between their grants (two for \$200,000 each) and amount presented today. Ms. Schuler stated this amount of \$360,000 was for construction costs and the remainder would be reserved for professional services, insurance, and unforeseen conditions.

Mr. Phillips requested to abstain from voting on this resolution. Mr. Elpers made a motion to approve the resolution. Mr. Carter seconded. The motion passed with 3 ayes, 0 nays, and 1 abstention.

Mr. Barnett provided further explanation on the topic of MBE/WBE bid solicitation.

11-ERC-26 Authorizing Grant Agreement for Historic District Signage

Ms. Pam Guthrie, Co-President of Old Evansville Historic Association (OEHA), spoke on behalf of this resolution. She stated she was requesting a grant agreement for historic signage which would be completed by Eade's Signs, a local company. Ms. Guthrie stated total costs of the signage are \$11,240. She also stated the Department of Metropolitan Development has agreed to pay half of the total cost and holdings from the (Old Evansville) Historic Association will pay the remaining half. Ms. Guthrie explained the number of signs, their placement, and the design of the signs have been reviewed and approved by the Preservation Commission.

Mr. Goldman requested a written report about the progress every six months or at the completion of the project if completed within six months. Ms. Guthrie agreed to this request. Mr. Phillips made a motion to approve the resolution. Mr. Elpers seconded. The motion was passed with 4 ayes and 0 nays.

11-ERC-27 Authorizing Grant Agreement for the Patchwork Central Bell Tower

Mr. Tom Loesch, President of Blackford's Grove Neighborhood Association, and Ms. Amy Rich, Co-Executive Director of Patchwork Central, spoke on behalf of this resolution. Mr. Loesch stated Ms. Rich and he were requesting a grant of \$5,000 to help restore the historic bell tower that stands on the Patchwork campus. He also discussed the historical significance of the bell tower to the surrounding neighborhood and the overall streetscape. He cited reasons for the restoration including the tower being an important landmark in the Arts District and its functionality to the community. Mr. Loesch estimated the collective costs of the restoration would total \$30,000. He explained funds Patchwork Central has set aside for the project and anticipated the beginning of a second fundraising period. Further discussion included the progress within the pre-production process.

Mr. Phillips inquired about the selection of a contractor. Mr. Loesch stated that bids were taken to provide an accurate estimation of costs.

Mr. Elpers inquired about the replacement of the stained glass windows. Ms. Rich stated that no stained glass windows remain and that Plexiglas has replaced the original stained glass windows. Mr. Loesch explained that they have discussed possible materials to replace the windows which will depend on the allowance of the budget.

Mr. Goldman inquired about the decision to use the money for the restoration of the bell tower rather than putting it toward the program, stating that after the Hamburg grant and the requested grant from the Evansville Redevelopment Commission, \$23,000 remains to be raised. Ms. Rich stated that the tower has reached a point that action must be taken. The board has made the tower a priority and has decided to put forth the extra funds towards its restoration. Mr. Loesch stated that the board of Patchwork considered alternate uses of the funds such as to tear the tower down which would cost nearly the same as renovating it. He explained that the community was concerned about the possibility of the tower's demolition. He also stated that City Hall may have denied their proposal of demolition due to the building being an individually rated structure.

Evansville Redevelopment Commission

Mr. Phillips made a motion to approve the resolution. Mr. Carter seconded. The motion was passed with 4 ayes and 0 nays. Mr. Goldman requested a written report recording money use every 6 months and a final report when the construction is complete.

Ms. Rich stated that construction would be well underway within one year from this date, April 5, 2011. Mr. Goldman stated the Evansville Redevelopment Commission's grant agreement expires December 2012. Mr. Loesch stated that it may be possible for fundraising and construction to be performed simultaneously.

Other Business

GAGE Report to Commission – Debbie Dewey

Ms. Dewey, GAGE President, stated at end of last year the GAGE board adopted a new strategic plan. She provided a brief overview of that strategic plan. She explained Tiers 1, 2, and 3 job classes. She stated the area's proximity to larger cities, as well as making I-69 a Technology Corridor, are important to job growth. She also provided a list of recent accomplishments of GAGE. There were no questions or discussion by Commission members.


Dream Park Update – Carolyn Rusk

Ms. Rusk, Brownfields Coordinator, stated that environmental assessment Phase I and Phase II of Dream Park are complete. She explained the reports were paid through a state grant. The larger parcel, which was acquired in the early 1980s (Former Redevelopment Area) and formerly the location of a gas station, has been found clear of any tanks and neither ground water nor soil tested above residential standards for petroleum contamination. The smaller parcel appears to have a small tank or cistern.

Adjournment

With no further business to come before the Commission, Mr. Goldman adjourned the meeting.

Respectfully submitted,




Jody Phillips, Secretary

Department of Metropolitan Development

306 Civic Center Complex
1 N.W. Martin Luther King, Jr. Blvd.
Evansville, Indiana 47708-1869

Phone: (812) 436-7823
Fax: (812) 436-7809
TDD: (812) 436-4925

memorandum

TO: All City Council, ASD Committee
FROM: Thomas Barnett 
DATE: May 4, 2011
RE: City Council Review of the Arts Overlay Zone Design Guidelines

At the November 22, 2010 City Council meeting, we discussed with Council that there are four pieces to the startup of the Evansville Arts District Plan. The first two pieces were the creation of an Evansville Arts Redevelopment Area and TIF district. Those two pieces were presented and approved/reviewed by the Evansville Redevelopment Commission, the Area Plan Commission, and by you, City Council, at the November 22nd meeting.

On May 9th you will be asked to approve one of the final pieces of the Evansville Arts District Plan which is the Arts Overlay Zone as well as to have an opportunity to review the fourth piece which creates Design Guidelines for the overlay zone only.

The use of Design Guidelines for the Arts Overlay Zone was previously approved by Council when you approved the Evansville Arts District Plan, the Redevelopment Area, and the TIF District. The Arts District area is approximately 50 square blocks and the Arts Overlay Zone is only approximately 10 square blocks of that total. The Arts Overlay Zone and Design Guidelines will apply only to the smaller area.

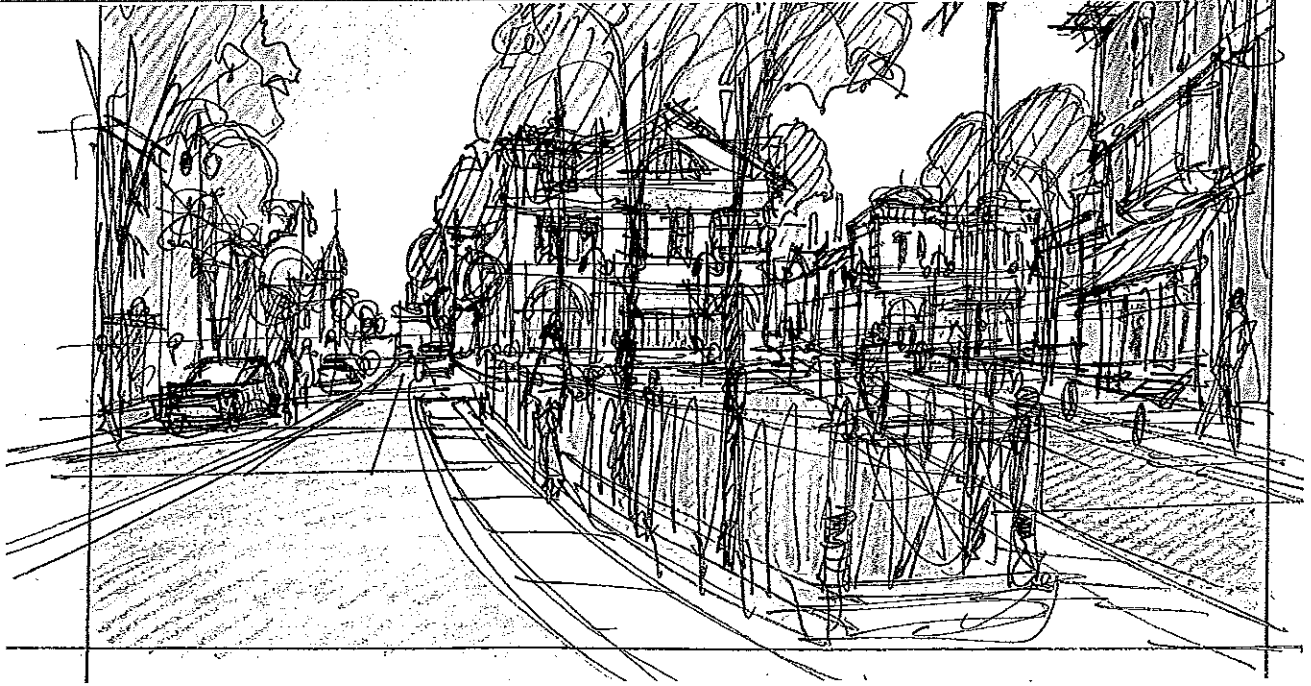
The Arts Overlay Zone and the Design Guidelines were created through numerous public meetings in which the attendees made recommendations for uses, specific businesses to attract, and important design features to maintain within the district.

You have the Arts Overlay Zone Ordinance from APC and we have attached the Design Guidelines for your information.

Thank you.

2011

The Evansville Arts District Design Guidelines



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- ☐ Photograph of existing conditions- (establishing the front elevation and surrounding structures)
- ☐ Dimensions, details of proposed change including location and position-(with respect to entire structure)
- ☐ Site plan or an illustration of proposed change
- ☐ Samples of colors and/or materials

Submit electronic copies of the complete application packet to DMD one week prior to the scheduled Design Review Committee (DRC) meeting. (Please refer to a current list of meeting dates.) The Committee generally meets once a month. The applicant must attend the Design Review Committee meeting. The Committee forwards a written recommendation to the Evansville Redevelopment Commission.

STEP TWO

Submit electronically copies if changes are required by the DRC, incorporating any changes resulting from consultation with the Design Review Committee, to DMD one week prior to the scheduled Evansville Redevelopment Commission (ERC) meeting. (Please refer to a current list of meeting dates.) The ERC generally meets the 1st and 3rd Tuesday of each month. The applicant must attend the meeting.

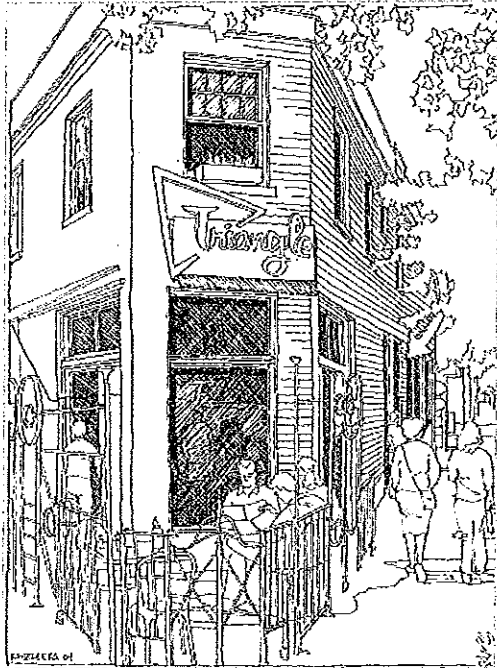
All applications are subject to review and approval by the Evansville Redevelopment Commission. Approval by the Commission does not exempt an applicant from any other required permitting or approvals. Please contact the Area Plan Commission, Room 312 Civic Center, 812-435-5226 and/or the Building Commission, Room 310 Civic Center, 812-436-7879 for required permits.

Objective and Principles

The objective of these design guidelines is *not to prohibit or deny*, but to encourage the reuse of structures and vacant land within the Evansville Arts District while ensuring that new development, and renovation of existing buildings, fits well with the surroundings.

Guiding Principles

1. Maintain the urban fabric by encouraging the reuse of structures and vacant land whenever possible.
2. Preserve the residential feel of the neighborhood even as home businesses are introduced in the residentially zoned areas.
3. Enhance the commercially zoned areas of the neighborhood around the Alhambra Theater and Haynie's Corner by encouraging residential use (when possible), reuse of existing commercial buildings and infill on available commercially zoned land.
4. Recognize that a mix of contemporary and historic styles makes for an interesting area by incorporating complementary architectural styles.
5. Support alternative modes of transportation and pedestrian activity on all streets by supporting those uses through bike/pedestrian facilities and traffic calming technology.
6. Always observe the objective of the Evansville Arts District Design Guidelines and make final judgments accordingly.



Corner Lots

Pedestrian activities are usually concentrated at street corners. These are places of convergence for all transportation modes. Corners are where people pay stop, pay attention, wait to cross and are most likely to converse with others. New development on corner lots in the District should take advantage of this condition, adding interest to the street while providing clear space for movement both vehicular and pedestrian.

New buildings should reinforce street corners, while enhancing the pedestrian environment. Public space at the corner, whether open or enclosed, should be scaled in a manner that allows for pedestrian flow and encourages social interaction. To achieve a human scale, these spaces should be well defined and integrated into the overall design of the building. Consider providing seating, incorporating art that engages people, setting back corner entries to facilitate pedestrian flow and allow for good visibility at the intersection. Redesign of existing

buildings on corners should also be oriented toward the corner. There are several corners of interest within the Evansville Arts District. Others may exist but are not identified.



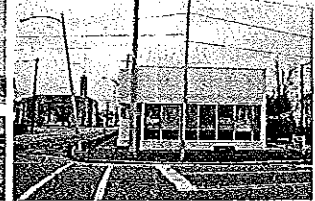
Parrett Street & SE Second Street
Potential space for sculpture



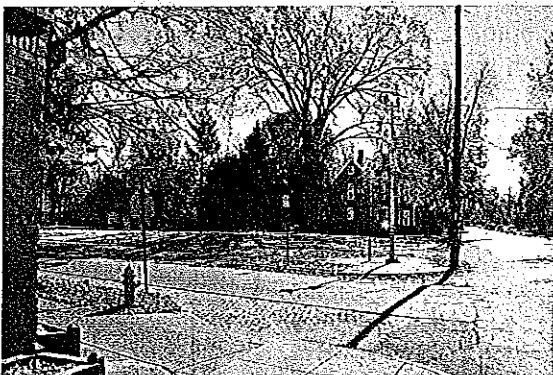
Parrett Street, SE Second Street &
Adams Ave. Previously a historic
business corner now used for
storage



8th Street & Washington Avenue
Potential space for mixed-use
development



Businesses should utilize the
corner vantage point to be
inviting to pedestrians



Jefferson Ave. & SE Second Street has space for a potential mixed-use development. To the right is an artist rendering of what mixed use structures may look like on this property. This property may be ideal for two to three story developments which will provide residential and retail opportunities.



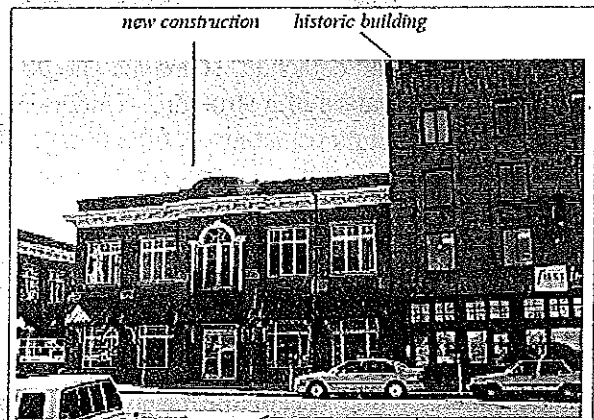
Residential Area

The scale of existing residential structures should be considered for new residential development in the district. Transitions in height, bulk, design, and scale—in terms of relationship to surrounding context and within the proposed structure itself—should be considered.

1. The scale, setback and site layout of the proposed development should be compatible with its surroundings. Keep with the established development patterns of the existing commercial area and be considerate of prominent views and structures; such as the Alhambra Theater or other focal points of the neighborhood.
2. New structures and renovations in the residential area should use architectural methods including color, texture, entries, materials and detailing to break up facades and complement the diverse architectural styles already present in the neighborhoods and within the area.
3. The design review committee strongly encourages 1.5 to 2.0 story residential homes within the Evansville Arts District to complement and continue the pattern of existing homes in the district. The committee does recognize that under certain circumstances a 1 story home may be appropriate as long as the intent and overall concepts are consistent with the guidelines provided in this document.

Architectural Cues

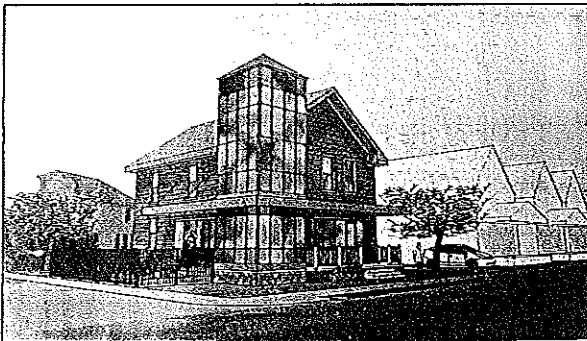
New residential, mixed-use and commercial development should respond to architectural features common to existing nearby buildings to preserve and enhance the pedestrian experience and maintain an acceptable level of consistency with the existing residential structures. To create cohesiveness in the district, identifiable and exemplary architectural patterns should be reinforced. New elements can be introduced, provided they are accompanied by strong design linkages.



Example: New commercial development which is compatible with existing historic structures

Typical Materials

Preferred elements can be found in examples of residential, commercial and mixed-use buildings within the district and throughout the neighborhoods and business center.



Example: Corner lot commercial development, notice the style and transition to residential. Courtesy of Jody Phillips

- Each structure should be considered as a high quality, long term addition to the neighborhood and/or business center. Exterior components and materials should exhibit permanence and quality.
- Materials, colors and details of a structure should unify the buildings appearance and surrounding structures to form an appealing streetscape.
- Encouraged materials which exhibit quality and permanence are those such

- Signs shall be designed with the viewer's position in mind; signage should be incorporated into the façade of the building as much as possible.
- Fewer words are more likely to be read; fewer signs per building are more likely to be noticed **and are encouraged.**
- Externally lit signs, with pendant lighting fixtures are encouraged.(up-lighting discouraged)
- Signs should be limited to two or three contrasting colors that are compatible to the colors on the building.
- Reader-board signs (i.e. signs with slots for changeable letters) are discouraged. Signs with moving text or scrolls are discouraged. Use of these signs is permitted for temporary display or special events.
- Signs protruding over pedestrian pathways or sidewalks require an Encroachment Permit which can be applied for at:

The City Engineers Office
321 Civic Center Complex
1 N.W. Martin Luther King, Jr. Boulevard
Evansville, Indiana 47708-1833
Phone: 436-4990
TDD-Hearing Impaired: 436-4952

Site Signage Plan

Structures more than one story with multiple tenants or the potential for multiple tenants will provide a signage plan. This plan should include any future additional signage locations, process or plans for placement of future signage. The intent of this plan is to address additional location or numbers of signage before issues arise. This may also give the owner an idea of where and what the signs will look like.

Please provide:

- ☐ Site photos (*front elevation and street photo showing sign locations*)
- ☐ Color samples
- ☐ Sizes
- ☐ Texture Samples

Other Signage

Genuine Retractable Awnings

Awnings are encouraged as a way to enhance the pedestrian environment. Because the awning will project over pedestrian areas, an encroachment permit is required and can be issued by the City Engineers Office.

- In certain situations, awnings can be used in place of, but not in addition to, surface mounted signs for identifying a business.

Billboards

Permitted in the C-4 underlying zoning district but are strongly discouraged in the Arts District.

IV. Lighting

The purpose of lighting is to provide the minimum level of illumination for safety, security and visual appeal. Illumination should be at a level to encourage pedestrian activity after sunset, without adding unnecessary glow outside the site.

Safety

Illumination levels should not exceed the minimums to provide safe conditions as currently defined by the Illumination Engineering Society of North America (IESNA) and be within all Indiana State guidelines. Recesses and alley-ways should be illuminated whenever possible especially if they carry pedestrian traffic.

Design

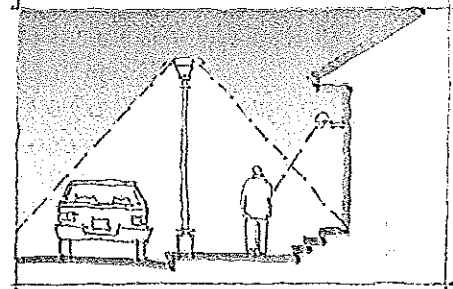
The location and design of lighting systems should complement the subject property, site amenities and site elements. Poles and fixtures should be proportionate to the buildings and spaces they are illuminating.

Feature Lighting

Unique building or landscape features can be highlighted if the lighting does not create glare or distraction. Neon tubes, or rope lighting are not permitted as lighting features on the exterior of buildings unless; used as true neon signage (*i.e. The Alhambra Theater marquee and sign*).

Light Pollution

Lighting should be directed in such as way as to not spill over onto adjacent properties, especially residential properties, nor be directed upward. Lighting should use a lighting fixture with canopy or shield that directs the light; sockets with bare bulbs are not permitted.



Energy Consumption

Wherever practical, lighting design should include the installation of timers, photo sensors, and other energy saving devises to reduce the overall energy required. Efficient lighting such as LED is encouraged as energy saving devices; other may be encouraged as well.

Maintenance

Non-functioning bulbs should be replaced in a timely manner so as to maintain the attractiveness and perceived vitality of the business.

Holiday Lighting

Temporary holiday lighting may be used for no more than a total of 60 days per year. The design of the lighting should coordinate with organized displays in the downtown district or special events within the Evansville Arts District.

All development should be characterized by safe, user-friendly and efficient vehicular traffic flow. Access Management Principles should be followed to reduce the number of curb cuts, provide a safer vehicular and pedestrian environment. Wherever possible, the majority of the parking should be located in the rear of buildings. Parking areas should be designed as part of the overall plan for the site and co-ordinate with pedestrian walks leading to the building's entrances and to public sidewalks.

Where appropriate, consider the following treatments:

- Whenever possible, parking areas are encouraged to be located in the rear of structures
- Integrate the parking area with building's overall design
- Consider the parking area as an extension of the building
- Screen the view of dumpsters, utilities and other service related features from the parking area
- Parking structures/areas adjacent to the public realm (sidewalks, alley) should improve the safety and appearance of parking uses in relation to the pedestrian environment

All parking lots and garages, or garage areas, private or municipal, should incorporate the design of the associated commercial/mixed-use building. If not associated with a building, the design should be contextually sensitive to the architecture found in the District. Consider the following:

- Limit blank walls on structures adjacent to pedestrian travel
- Provide hard edges for parking lots, such as knee high brick walls, decorative concrete walls or continuous well maintained shrubbery, these define public and private spaces
- In cases where full walls are needed, incorporate architectural elements of the commercial building or structure into the wall
- In cases of full or blank walls, consider attaching decorative art or unique designs elements to the garage wall for a better pedestrian experience and a gallery for public art

Glossary of Terms

To be determined as needed.

Access Management Principles— the process that provides access to land development while simultaneously preserving the flow of traffic on the surrounding street system in terms of safety, capacity and speed. (*Federal Highway Administration*)

Infill development— the use of vacant or underutilized land within a previously developed area for viable appropriate development which will benefit the surrounding areas and governing bodies.

Setback— the placing of a face or façade of a building on a line some distance from the front, rear and sides of the property line; *also*: the area produced by a setback referring to the area in between the property line and the building.

Streetscape— the actual appearance or view of each individual street and the character which defines the street

Street wall— a street wall is the part of a building that faces the street, but it generally refers to how and where several buildings line up to define a proper walking environment.

Urban fabric— the physical form; the composition of all elements such as buildings, streets, sidewalks, colors textures, heights of structures, setbacks, etc.

**YOU ARE INVITED TO
THE ANNUAL MEETING OF THE
LEGAL AID SOCIETY OF EVANSVILLE, INC.**

Monday, May 9, 2011
11:45 a.m.
YWCA
(Parlor)
118 Vine Street
Evansville, Indiana

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The agenda includes the  
election of officers and  
acceptance of committee assignments

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A regular meeting of the Board of Directors
will be held immediately following the annual meeting

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The meeting is open to the public.  
Lunch will be provided to guests  
who RSVP to 435-5173  
by 4:00 p.m. on Monday, May 2, 2011

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# LEGAL AID SOCIETY OF EVANSVILLE, INC.

## Non-City/County/United Way Funds Report of March 31, 2011

| <u>A. FUND BALANCES</u>                  | <u>03/31/2010</u>   | <u>03/31/2011</u>           |
|------------------------------------------|---------------------|-----------------------------|
| 1. Adoption/Guardianship Fund (AD/GD)    | \$11,461.00         | \$10,422.80                 |
| 2. Publication/Litigation Fund (PUB/LIT) | 5,831.09            | 5,612.09                    |
| 3. PUB/LIT Receivable                    | 110.00              | 400.00                      |
| 4. IN Civil Legal Aid Fund (ICLAF)       | 95,397.21           | 116,781.80                  |
| 5. U.W. Donor Designations (UWDD)        | 27,901.88           | 29,337.17                   |
| 6. Miscellaneous Income & Interest (M&I) | 9,015.91            | 4,248.51                    |
| 7. Client trust account                  | 10.09               | 218.09                      |
| 8. Petty Cash                            | <u>160.90</u>       | <u>141.99</u>               |
| <b>TOTAL</b>                             | <b>\$149,889.08</b> | <b><u>\$ 167,162.45</u></b> |

### B. FUND LOCATION

|                                                                                                                                                               |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 1. MONEY MARKET ACCOUNT<br>(ICLAF/UWDD/PUB/LIT )<br>Bank of Evansville # 1611550 (1.25% interest per month)<br>Signers: Sue Hartig, Kevin Gibson, Garvin Senn | \$ 134,551.05              |
| 2. SAVINGS ACCOUNT<br>(UWDD, M&I)<br>Integra Bank #50007550 (.0044 int )<br>Signers: Sue Hartig, Kevin Gibson, Garvin Senn, & Scott Wylie                     | 7,394.23                   |
| 3. CHECKING ACCOUNTS<br>A. Old National Bank #401082482<br>(PUB/LIT )<br>Signers: Sue Hartig, Kevin Gibson, Garvin Senn<br>& Scott Wylie                      | 24,675.18<br>\$1,612.09    |
| B. Integra Bank #7800239050<br>(ICLAF, UWDD, AD/GD , & M&I)<br>Signers: Sue Hartig, Kevin Gibson, Garvin Senn,<br>& Scott Wylie                               | 22,845.00                  |
| C. Integra Bank #7800281904<br>(Client Trust Fund)<br>Signer: Sue Hartig, Kevin Gibson, Garvin Senn                                                           | 218.09                     |
| 4. PUB/LIT RECEIVABLES                                                                                                                                        | 400.00                     |
| 5. PETTY CASH                                                                                                                                                 | 141.99                     |
| <b>TOTAL</b>                                                                                                                                                  | <b><u>\$167,162.45</u></b> |

### C. FUND DESCRIPTION:

#### 1. AD/GD

Created in 2009 when Child Protective Services would no longer do guardian ad litem reports at no cost to us in guardianships and home studies in adoptions and we had to begin to pay for them. Funds can also be used for costs of fingerprinting and obtaining criminal history checks for petitioners in guardianships and adoptions. No repayment by the client is contemplated. Fund sources were an Evansville Bar Association grant, Law Day Auction proceeds, Craig Family foundation, Old National Bank, and Vectren.

|                                   |                    |
|-----------------------------------|--------------------|
| Beginning balance                 | \$10,461.00        |
| Law Day 2010 deposit              | 790.00             |
| Less client expenditures          | <u>-828.20</u>     |
| <b>Balance (INTEGRA CHECKING)</b> | <b>\$10,422.80</b> |

#### 2. & 3. PUB/LIT and PUB/LIT RECEIVABLES

Created in 1987 with a \$4,000 donor designated grant from the Junior League of Evansville plus a United Way allocation of \$1,000 in 1994. This account is used to pay publication costs, costs of DNA testing, and other litigation expenses. Client is asked to pay funds back if possible.

|                                              |                   |
|----------------------------------------------|-------------------|
| Start up funds                               | \$ 5,000.00       |
| + Cumulative Interest earned                 | 2,112.55          |
| - Cumulative loans made                      | 16,211.97         |
| + Cumulative loans repaid                    | 11,974.45         |
| Receivables                                  | <b>400.00</b>     |
| Loans made = 138                             |                   |
| Cumulative write offs                        | <u>3,837.52</u>   |
| <b>Balance (ONB CHECKING + 4K in BOE MM)</b> | <b>\$5,612.09</b> |

#### 4. INDIANA CIVIL LEGAL AID FUND (ICLAF)

Started in 1997 from Indiana Legislature through the Indiana Supreme Court, board designated to create reserves and fund special projects not funded by the City/County/United Way operating budget. (INTEGRA CHECKING + BOE MM)  
Total receipts since 1997 are \$288,410.64.

| YEAR | BEGIN BAL    | ICLAF INCOME | + INT      | - EXPENDED  | END BAL      |
|------|--------------|--------------|------------|-------------|--------------|
| 2006 | \$ 63,810.63 | \$18,663.53  | \$1,895.65 | \$15,761.66 | \$68,608.15  |
| 2007 | \$ 68,608.15 | \$20,964.17  | \$2,400.02 | \$11,676.29 | \$80,296.05  |
| 2008 | \$ 80,296.05 | \$25,149.36  | \$1,140.10 | \$30,799.53 | \$81,422.88  |
| 2009 | \$ 81,422.88 | \$26,929.56  | \$1,433.02 | \$19,707.76 | \$90,077.70  |
| 2010 | \$ 90,077.70 | \$26,942.36  | \$2,468.01 | \$12,411.85 | \$107,076.22 |
| 2011 | \$107,076.22 |              |            |             | \$116,781.80 |

#### 5. UNITED WAY DONOR DESIGNATIONS (UWDD)

|                                            |            |                     |
|--------------------------------------------|------------|---------------------|
| 2006                                       | \$3,572.43 |                     |
| 2007                                       | 1,996.37   |                     |
| 2008                                       | 2,529.75   |                     |
| 2009                                       | 1,717.65   |                     |
| 2010                                       | 1,393.51   |                     |
| Current Balance (Integra Savings + BOE MM) |            | <b>\$ 29,337.17</b> |

6. MISCELLANEOUS INCOME & INTEREST (M&I) \$ 4,248.51

7. CLIENT TRUST ACCOUNT \$ 218.09

Attorney ethics require funds obtained from clients or received for clients be segregated from all other law firm funds and used for no other purpose. We must keep a balance in this account and should place it at an institution paying into Indiana IOLTA.

8. PETTY CASH \$ 141.99

**TOTAL** \$ 167,162.45

**D. FUND DETAILS**

**1. MONEY MARKET ACCOUNT**

Bank of Evansville (Account #1611550)

ICLAF \$102,985.87

UWDD 25,000.00

PUB/LIT 4,000.00

Plus interest 2,565.18

**Ending Balance** \$ 134,551.05

**2. SAVINGS ACCOUNTS**

Integra (Account # 50007550)

Beginning balance \$ 6,903.13

Plus interest .92

Plus UWDD 490.18

**Ending Balance** 7,394.23

UWDD \$ 4,337.17

M&I 3,057.06

**3. CHECKING ACCOUNTS**

A. PUB/LIT Old National Bank (Account # 401082482):

Beginning balance \$ 1,752.09

Less expenditures 170.00

Plus client loan payment 30.00

**Ending Balance** 1,612.09

Receivables 400.00 400.00

B. Integra (Account # 7800239050)

Beginning balance \$ 26,316.87

Plus Board Donations 5.00

Less Expenditures 3,476.87

**Ending Balance** 22,845.00

ICLAF \$ 12,422.20

AD/GD 10,422.80

C. Client Trust Account Integra (Account #7800281904): 218.09

**4. PETTY CASH**

|                   |        |        |
|-------------------|--------|--------|
| Beginning balance | 175.79 |        |
| Less expenditures | 40.36  |        |
| Plus income       | 6.56   |        |
| Ending Balance    |        | 141.99 |

**TOTAL****\$167,162.45****E. FUND PLACEMENT****BANK OF EVANSVILLE**

|                              |            |
|------------------------------|------------|
| MONEY MARKET ACCT (#1611550) | 134,551.05 |
|------------------------------|------------|

**INTEGRA**

|                                      |            |  |
|--------------------------------------|------------|--|
| Savings (#500077550)                 | \$7,394.23 |  |
| Checking (#7800239050)               | 22,845.00  |  |
| Trust Account Checking (#7800281904) | 218.09     |  |

|              |                  |
|--------------|------------------|
| <b>TOTAL</b> | <b>30,457.32</b> |
|--------------|------------------|

**OLD NATIONAL BANK**

|                       |          |
|-----------------------|----------|
| Checking (#401082482) | 1,612.09 |
|-----------------------|----------|

**CASH**

|            |        |
|------------|--------|
| PETTY CASH | 141.99 |
|------------|--------|

**RECEIVABLES**

|         |        |
|---------|--------|
| PUB/LIT | 400.00 |
|---------|--------|

**TOTAL****\$ 167,162.45**

Spending an average of \$33,000 per month for operations, this is 5 months of reserves.